

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

RAMON CLARK

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PLAINTIFF

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v.

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CIVIL ACTION NO.: DKC 07-422

AMF BOWLING CENTERS, INC.

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DEFENDANT

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**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR  
SANCTIONS FOR DEFENDANT'S FAILURE TO APPEAR AT RULE 30(b)6  
DEPOSITION**

AMF BOWLING CENTERS, INC. Defendant, KARPINSKI, COLARESI & KARP by  
KEVIN B. KARPINSKI and THOMAS S. BOUCHELLE, their attorneys, responds to  
Plaintiff's Motions for Sanctions pursuant to Rule 30(b)6 and in support thereof states as  
follows:

1. That as of this date executed Answers to Interrogatories and Defendant's  
Response to Request for Production of Documents have been provided to  
Plaintiff counsel.
2. That, while Defendant's counsel contacted Plaintiff's counsel on September  
27, 2007, requesting that the Rule 30(b)6 depositions be continued, times and  
dates were requested for rescheduling that deposition. At that time, Plaintiff  
was unable or unwilling to provide dates.
3. That on October 24, 2007 the day following receipt of Plaintiff's Motion for  
Sanctions, defense counsel contacted Steven Kaminski, Plaintiff's co-counsel,

requesting dates for the Rule 30(b)6 depositions of defendant's corporate representatives. Counsel refused to do so and also refused to provide dates for Plaintiff's deposition and the dates for Plaintiff's witnesses' depositions.

4. That this Defendant disagrees with Plaintiff's contention that this Defendant "could not provide Plaintiff with a future date he could reasonably expect a corporate designee would be available for deposition."

That Plaintiff's case has not been prejudiced, in any manner, by Defendant's request for a continuance of the Rule 30(b)6 deposition. In fact, Plaintiff has further delayed the taking of that deposition, when, on October 24, 2007, Plaintiff counsel refused to provide dates for depositions and, in particular, failed to provide a date for Plaintiff which would, most likely, lead to a potential for settlement. Instead, Plaintiff, at that time, advised that he would simply await the outcome of this Motion.

Wherefore, as Plaintiff has not been prejudiced by any delays, Defendant has provided, contemporaneous with this response, dates upon which corporate representatives depositions can be taken and executed Interrogatories have been provided. It is respectfully requested that Plaintiff's Motion for Sanctions be denied.

KARPINSKI, COLARESI & KARP

BY:                     /s/                      
Thomas S. Bouchelle  
120 E. Baltimore Street  
Suite 1850  
Baltimore, Maryland 21202  
(410) 727-5000

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of November, 2007, a copy of the foregoing Defendant's Response To Plaintiff's Motion For Sanctions For Defendant's Failure To Appear At Rule 30(b)6 Deposition was filed electronically, with notice to:

Joseph Cammarata, Esquire  
Chaikin & Sherman, P.C.  
1232 17th Street, N.W.  
Washington, D.C. 20036  
*Attorneys for Plaintiff*

\_\_\_\_\_/s/\_\_\_\_\_  
Of Counsel for Defendant